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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,342	06/09/2006	Stefan Beetz	72238	5488
23872 7590 08/24/2010 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER				
BROWN, DREW J				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
08/24/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,342

**Applicant(s)**

BEETZ ET AL.

**Examiner**

DREW BROWN

**Art Unit**

3616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/9/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/220)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 6/9/06

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:  
In lines 2 and 3 of claim 1, "on the one hand" and "on the other hand" should be deleted.  
In line 5, "and an, axially displaceable locking piston" should be changed to --and an axially displaceable locking piston--.  
In line 6, "and the locking claws" should be changed to --wherein the locking claws--.  
In line 7, "have said conical surfaces" should be changed to --have conical surfaces--.  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
In lines 11 and 12 of claim 1, "the arch being designed as a concave arch, on the one hand, and as a convex arch, on the other hand" renders the claim indefinite because it is unclear to the Examiner if there is a concave portion and a convex portion on each carrier or if one carrier has the concave arch and the other carrier has the convex arch.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichel et al. (USPub 2003/0137090) in view of Fehring (US 6,022,030) and Wildhaber (US 2,654,456).

Reichel et al. disclose a stabilizer for a motor vehicle comprising two stabilizer parts (1', 2'), which are connected to the wheel suspension of a wheel (paragraph 3), and both stabilizer parts can be connected to one another via a shiftable and positive-locking clutch (13) comprising at least one radial carrier (14) of one said stabilizer part (1'), at least one radial carrier (16) of the other stabilizer part (2') and an axially displaceable locking piston (19) with locking claws (21), wherein the locking claws and the carriers have conical surfaces (Fig 4), which fit each other and are designed as force transmission surfaces (paragraphs 28-30).

Reichel et al. does not specifically disclose that the two stabilizer parts are also connected to the vehicle body via a mounting point. However, Fehring disclose two stabilizer parts that are connected to the vehicle body via a mounting point (36A, 36B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Reichel et al. in view of the teachings of Fehring to connect the stabilizer parts to the vehicle body via a mounting point in order to support each of the stabilizer parts while providing independent pivotal movement of the stabilizer about a lateral centerline of the body structure.

Reichel et al. also does not disclose that the conical surfaces of the radial carriers and the conical surfaces of the locking claws have an arched cross section over the entire force transmission area, the arch being designed as a concave arch on the carriers or the locking claws, and a convex arch on the other of the carriers or the locking claws. Reichel et al. discloses a prior art clutch upon which the claimed invention (radial carriers and locking claws having arched surfaces) can be seen as an "improvement" (Reichel et al. does not teach arched surfaces on the radial carriers or locking claws). Wildhaber teaches a prior art comparable device (positive-locking clutch) having engaging clutch members (20 and 21) with corresponding convex and concave arched surfaces of equal radii (24, 25, 28, 29; Figs 1 and 4). Thus, the manner of enhancing a particular device (positive-locking clutch) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Wildhaber. Accordingly, one of ordinary skill in the art at the time the invention was made would have been capable of applying this known "improvement" technique in the same manner to the prior art

clutch of Reichel et al. and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing convex arches on the carriers and corresponding concave arches on the locking claws in Reichel et al. would facilitate engagement of the stabilizer parts and be able to stand and carry heavy loads.

*Conclusion*

6. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Drew Brown/  
Examiner  
Art Unit 3616

db  
8/22/10